

DECISION

THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

26667

FILE: B-210308.9

DATE: November 1, 1983

MATTER OF: ABM Service Company

DIGEST:

Protest of an agency's rejection of bid for failure to acknowledge an amendment is untimely where filed on the 11th working day after the protester learned the basis for protest.

ABM Service Company protests the Navy's rejection of its bid to provide commissary shelf-stocking services under invitation for bids No. N00612-83-B-0002. According to the protester, it was in line for an award of Lot II under the invitation, covering services at a Naval Supply Center activity in New Orleans. The Navy rejected the bid as nonresponsive, however, for failure to acknowledge an amendment to the invitation, and awarded a contract for Lot II to another bidder. We dismiss the protest as untimely.

To be timely, the protest had to have been filed--that is, received by this Office--within 10 working days after the basis for protest was known, or should have been known, whichever was earlier. 4 C.F.R. § 21.2(b)(2) and (3) (1983). The record, however, shows that ABM filed its protest after the 10-day period expired.

By a letter dated September 27, 1983, the Navy informed the protester that it had rejected ABM's bid and of the reason for the rejection, and that the Navy had awarded a contract covering Lot II to another bidder. The protester's submission to this Office, dated October 18, states that ABM learned of the award on October 3, thus indicating that ABM received the Navy's letter on or before that date. This Office's time stamp and notation on the submission show that the protest had been hand-carried and was received at the General Accounting Office on October 19, the 11th working day after the protester admits having learned the basis for protest. ABM's protest therefore is untimely.

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The protest is dismissed.

Harry R. Van Cleve
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Acting General Counsel